

REMARKS/ARGUMENTS

The Applicants have carefully reviewed and considered the Final Office Action mailed on April 4, 2007, and the cited art therewith.

Claim 15 has been amended, no claims are cancelled, and no claims are added; as a result, claims 1-21 are now pending in this application.

Responses to Rejections to Claims – 35 U.S.C. §103

Claims 1-6, 14, 16 and 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jinks et al (U.S. Patent Publication No. 2002/0055862) (Jinks) in view of Ogawa, et al (U.S. Patent Publication No. 2001/0023404) (Ogawa). Claims 7-13, 15, 17 and 20-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jinks in view of Ogawa and further in view of ChoicePoint, (2002-01-24, [online], Retrieved from web.archive.org using the Internet <[URL:http://web.archive.org/web/20020124085629/http://www.choicepoint.net/](http://web.archive.org/web/20020124085629/http://www.choicepoint.net/)> (ChoicePoint). The Applicants respectfully traverse the rejections cited above and address the rejections as follows.

Claims 1, 14, and 18

In the Final Office Action dated April 4, 2007, the Office Action asserted that page 1, paragraph 2 of the Jinks citation teaches “determining a single tier placement for an applicant dependent upon a combination of mutually exclusive factors...the factors including a protection class...”, as recited by Applicants independent claims 1 and 18. With respect to independent claim 14, the Office Action asserted that claim 10 of the Jinks citation teaches “the processor operative with the program for establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant in response to determining a protection class factor and a previous paid loss history factor”, as recited by Applicants independent claim 14. The Office Action further asserts that Jinks “does not teach establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote” (page 3, Final Office Action mailed April 4, 2007).

The Examiner looks to Ogawa to teach “establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote.” (Page 3, Final Office Action mailed April 4, 2007).

The Applicants respectfully submit that neither Jinks, Ogawa, or the combination of Jinks and Ogawa support a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP §2143). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

With respect to the third criteria, the Applicants respectfully submit that Jinks fails to teach "determining a single tier placement for an applicant dependent upon a combination of mutually exclusive factors...the factors including a protection class..." as recited by Applicant's independent claims 1 and 18.

From the Applicants review of the Jinks citation, the citation appears to teach, in a general sense, various factors relating to a business or business activity for determining whether to insure a business risk and to establish a premium based upon the business risk, (Page 1, paragraph 2 of the Jinks citation).

The Applicants respectfully submit that nowhere on page 1, paragraph [0002] of the Jinks citation nor anywhere else in the Jinks citation is there a description of a factor including a protection class. For example, one embodiment of a protection class can be found at Page 5, paragraph [0017] of the Applicants specification. In such embodiment, a protection class factor can include "an assigned number of from 1 (best) to 10 (worst)... The assigned number is the result of a study of fire stations and their ability to quickly respond to an alarm, the equipment used, the water carrying and pumping capability of that equipment, the proximity of hydrants, the fire personnel training, and whether those personnel are full time or volunteers. Another (protection class) factor is the proximity of the insured's or applicant's residence to the applicable fire stations." Jinks speaks of "a number of factors", but discloses nothing satisfying the present disclosures description of the protection class.

The Examiner also asserts that "classification of the insurance sought as well as the risk posed by that classification or other factors pertaining to the business or business activity is essentially equivalent to determining a tier placement of an applicant based on a combination of mutually exclusive factors including a protection class and a previous paid loss history." The

Applicants submit that the tier placement of the present disclosure is not essentially equivalent to the classification of the insurance sought as well as the risk posed by that classification disclosed by Jinks. The background of the present disclosure recognizes that various combinations of factors have been considered in the past to set insurances rates (page 2, paragraph [0002]). However, the tier placement limitation required by the claims and not disclosed by Jinks or Ogawa allows a rate quote for a property insurance policy and uses consistently reliable factors to establish the rate quote that include the protection class factor to estimate the amount of protection the property has available and the prior loss history.

Moreover, the office action asserts that Page 2, paragraph [0035] of the Ogawa citation teaches “establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote” as recited by Applicants independent claims 1 and 18, and “wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote”, as recited by Applicants independent claim 14. The Applicants respectfully traverse the rejections.

The Applicants respectfully submit that page 2, paragraph [0035] of the Ogawa citation does not describe “establishing a rate quote for a residential property insurance policy for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote” as required by independent claims 1, 14, and 18. Ogawa appears to describe providing an insurance premium or rate quote from each of a plurality of insurance companies for a user to compare. (See page 1, paragraph 12, and page 2, paragraph 35 of the Ogawa citation). Indeed, the invention disclosed by the Ogawa citation appears to focus on providing a premium/rate quote from several different companies. In other words, the Ogawa citation appears to teach providing a single premium/rate quote per company from a plurality of companies (See, for example, Figures 13 and 14). However, nowhere in the Ogawa citation is there a description of establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote.

The Examiner asserts that “One of ordinary skill in the art at the time of the invention was made would have found it obvious to combine Jinks and Ogawa’s teachings with the motivation of providing premium estimates from a plurality of insurance providers based on inputting conditions which affect the premium calculation.” The Applicants respectfully submit

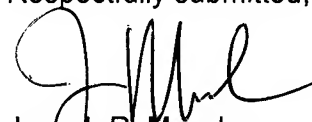
however, that the claims are not directed to providing premium estimates from a plurality of insurance providers based on inputting conditions which affect the premium calculation. Rather, the claims are directed to, among other things, establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant, wherein the tier placement results in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote.

Since each and every limitation of the Applicants independent claims 1, 14, and 18 are not described, taught, or suggested in the above citations, either independently or in combination, the citations cannot support a §103 rejection for the same. Accordingly, in view of these remarks, reconsideration and withdrawal of the §103 rejection for independent claims 1, 14, and 18 is respectfully requested.

In view of the foregoing, the Applicants respectfully submit that independent claims 1, 14, and 18 are patentably defined over the citations of record. Further, the dependent claims 2-13, 15-17, and 19-21 should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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